

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

WILLIE LACY, III	§	
v.	§	CIVIL ACTION NO. 6:07cv493
LETOURNEAU UNIVERSITY, ET AL.	§	

REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE

The above-styled case was referred to the undersigned for all pretrial matters pursuant to [28 U.S.C. § 636](#). On May 8, 2008, Plaintiff, proceeding *pro se*, filed two letters that are construed as a Motion to Voluntarily Dismiss pursuant to [Fed.R.Civ.P. 41\(a\)\(2\)](#) (document [#36](#) and [#37](#)).

Pursuant to [Fed.R.Civ.P. 41\(a\)\(2\)](#), an order of court is required for a voluntary dismissal after an answer has been filed unless the parties file a stipulation of dismissal that is signed by all parties. Plaintiff states that he seeks dismissal of his case. Plaintiff's motion to dismiss should be granted.

RECOMMENDATION

It is hereby recommended that Plaintiff's Motion to Voluntarily Dismiss (document [#36](#) and [#37](#)) be granted and that the complaint be dismissed without prejudice.

Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge.

A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within ten days after service shall bar that party from *de novo* review by the

district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. [*Douglass v. United Services Auto. Assn.*, 79 F.3d 1415, 1430 \(5th Cir. 1996\) \(*en banc*\)](#).

So **ORDERED** and **SIGNED** this **12** day of **May, 2008**.


JUDITH K. GUTHRIE
UNITED STATES MAGISTRATE JUDGE